

IC 12-8-6 Version a

Chapter 6. Office of Medicaid Policy and Planning

Revisor's Note: IC 12-8-6-10 provides for the expiration of this chapter on June 30, 2011. P.L.153-2011, SECTION 20 repealed IC 12-8-6-10 effective July 1, 2011. The Governor's Executive Order 11-08 provides for the continued operation of FSSA and its various offices and divisions.

IC 12-8-6-0.3 Version a

Legalization of actions taken under this chapter after December 31, 2007, and before March 24, 2008

Revisor's Note: IC 12-8-6-10 provides for the expiration of this chapter on June 30, 2011. P.L.153-2011, SECTION 20 repealed IC 12-8-6-10 effective July 1, 2011. The Governor's Executive Order 11-08 provides for the continued operation of FSSA and its various offices and divisions.

Sec. 0.3. Actions taken under this chapter, after December 31, 2007, and before March 24, 2008, are legalized and validated to the extent that those actions would have been legal and valid if P.L.113-2008 had been enacted before January 1, 2008.

As added by P.L.220-2011, SEC.256.

IC 12-8-6-1 Version a

Establishment

Revisor's Note: IC 12-8-6-10 provides for the expiration of this chapter on June 30, 2011. P.L.153-2011, SECTION 20 repealed IC 12-8-6-10 effective July 1, 2011. The Governor's Executive Order 11-08 provides for the continued operation of FSSA and its various offices and divisions.

Sec. 1. The office of Medicaid policy and planning is established.

As added by P.L.2-1992, SEC.2.

IC 12-8-6-2 Version a

Administrator

Revisor's Note: IC 12-8-6-10 provides for the expiration of this chapter on June 30, 2011. P.L.153-2011, SECTION 20 repealed IC 12-8-6-10 effective July 1, 2011. The Governor's Executive Order 11-08 provides for the continued operation of FSSA and its various offices and divisions.

Sec. 2. The secretary shall appoint an administrator responsible for management of the office.

As added by P.L.2-1992, SEC.2.

IC 12-8-6-3 Version a

Administration of state program

Revisor's Note: IC 12-8-6-10 provides for the expiration of this chapter on June 30, 2011. P.L.153-2011, SECTION 20 repealed IC 12-8-6-10 effective July 1, 2011. The Governor's Executive Order 11-08 provides for the continued operation of FSSA and its various offices and divisions.

Sec. 3. The office is designated as the single state agency for administration of the state Medicaid program under IC 12-15.

As added by P.L.2-1992, SEC.2.

IC 12-8-6-4 Version a

Development and coordination of state policy

Revisor's Note: IC 12-8-6-10 provides for the expiration of this chapter on June 30, 2011. P.L.153-2011, SECTION 20 repealed IC 12-8-6-10 effective July 1, 2011. The Governor's Executive Order 11-08 provides for the continued operation of FSSA and its various offices and divisions.

Sec. 4. The office shall develop and coordinate Medicaid policy for the state.

As added by P.L.2-1992, SEC.2.

IC 12-8-6-5 Version a

Rules

Revisor's Note: IC 12-8-6-10 provides for the expiration of this chapter on June 30, 2011. P.L.153-2011, SECTION 20 repealed IC 12-8-6-10 effective July 1, 2011. The Governor's Executive Order 11-08 provides for the continued operation of FSSA and its various offices and divisions.

Sec. 5. The secretary may adopt rules under IC 4-22-2 to implement this chapter and the state Medicaid program.

As added by P.L.2-1992, SEC.2.

IC 12-8-6-6 Version a

Administrative review; rules

Revisor's Note: IC 12-8-6-10 provides for the expiration of this chapter on June 30, 2011. P.L.153-2011, SECTION 20 repealed IC 12-8-6-10 effective July 1, 2011. The Governor's Executive Order 11-08 provides for the continued operation of FSSA and its various offices and divisions.

Sec. 6. (a) For purposes of IC 4-21.5, the secretary is the ultimate authority for the state Medicaid program.

(b) The secretary shall adopt rules under IC 4-22-2 to specify any additional necessary procedures for administrative review of an agency action under IC 4-21.5 and the state Medicaid program.

As added by P.L.2-1992, SEC.2.

IC 12-8-6-7 Version a

Written memorandum of understanding with division of mental health; contents

Revisor's Note: IC 12-8-6-10 provides for the expiration of this chapter on June 30, 2011. P.L.153-2011, SECTION 20 repealed IC 12-8-6-10 effective July 1, 2011. The Governor's Executive Order 11-08 provides for the continued operation of FSSA and its various offices and divisions.

Sec. 7. The office and the division of mental health and addiction shall develop a written memorandum of understanding that provides

the following:

- (1) Program responsibilities for the provision of care and treatment for individuals with a mental illness.
- (2) Responsibilities to educate and inform vendors of the proper billing procedures.
- (3) Responsibilities in administering the state plan.
- (4) Responsibilities for Medicaid fiscal and quality accountability and audits for mental health services.
- (5) That the division shall recommend options and services to be reimbursed under the state plan.
- (6) That the office and the division agree that, within the limits of 42 U.S.C. 1396 et seq., individuals with a mental illness cannot be excluded from services on the basis of diagnosis unless these services are otherwise provided and reimbursed under the state plan.
- (7) That the office shall seek review and comment from the division before the adoption of rules or standards that may affect the service, programs, or providers of medical assistance services for individuals with a mental illness.
- (8) That the division shall develop rate setting policies for medical assistance services for individuals with a mental illness.
- (9) Policies to facilitate communication between the office and the division.
- (10) Any additional provisions that enhance communication between the office and the division or facilitate more efficient or effective delivery of mental health services.

As added by P.L.2-1992, SEC.2. Amended by P.L.215-2001, SEC.32; P.L.99-2007, SEC.56.

IC 12-8-6-8 Version a

Written memorandum of understanding with division of disability and rehabilitative services; content

Revisor's Note: IC 12-8-6-10 provides for the expiration of this chapter on June 30, 2011. P.L.153-2011, SECTION 20 repealed IC 12-8-6-10 effective July 1, 2011. The Governor's Executive Order 11-08 provides for the continued operation of FSSA and its various offices and divisions.

Sec. 8. The office and the division of disability and rehabilitative services shall develop a written memorandum of understanding that provides the following:

- (1) Program responsibilities for the provision of care and treatment for individuals with a developmental disability and long term care recipients.
- (2) Responsibilities to educate and inform vendors of the proper billing procedures.
- (3) Responsibilities in administering the state plan.
- (4) Responsibilities for Medicaid fiscal and quality accountability and audits for developmental disability and long term care services.
- (5) That the division shall recommend options and services to

be reimbursed under the state plan.

(6) That the office and the division agree that, within the limits of 42 U.S.C. 1396 et seq., individuals with a developmental disability and long term care recipients cannot be excluded from services on the basis of diagnosis unless these services are otherwise provided and reimbursed under the state plan.

(7) That the office shall seek review and comment from the division before the adoption of rules or standards that may affect the service, programs, or providers of medical assistance services for individuals with a developmental disability and long term care recipients.

(8) That the division shall develop rate setting policies for medical assistance services for individuals with a developmental disability and long term care recipients.

(9) That the office, with the assistance of the division, shall apply for waivers from the United States Department of Health and Human Services to fund community and home based long term care services as alternatives to institutionalization.

(10) Policies to facilitate communication between the office and the division.

(11) Any additional provisions that enhance communication between the office and the division or facilitate more efficient or effective delivery of developmental disability or long term care services.

As added by P.L.2-1992, SEC.2. Amended by P.L.4-1993, SEC.29; P.L.5-1993, SEC.42; P.L.112-1997, SEC.1; P.L.141-2006, SEC.28; P.L.99-2007, SEC.57.

IC 12-8-6-9 Version a

Written memorandum of understanding with the office, the division of family resources, and the department of child services

Revisor's Note: IC 12-8-6-10 provides for the expiration of this chapter on June 30, 2011. P.L.153-2011, SECTION 20 repealed IC 12-8-6-10 effective July 1, 2011. The Governor's Executive Order 11-08 provides for the continued operation of FSSA and its various offices and divisions.

Sec. 9. The office, the division of family resources, and the department of child services shall develop a written memorandum of understanding that provides the following:

(1) Program responsibilities for the provision of care and treatment for recipients served by the division.

(2) Responsibilities to educate and inform vendors of the proper billing procedures.

(3) Responsibilities in administering the state plan.

(4) Responsibilities for Medicaid fiscal and quality accountability and audits for services administered by the division.

(5) That the division shall recommend options and services to be reimbursed under the Medicaid state plan.

(6) That the office and the division agree that, within the limits

of 42 U.S.C. 1396 et seq., recipients served by the division cannot be excluded from services on the basis of diagnosis unless these services are otherwise provided and reimbursed under the state plan.

(7) That the office shall seek review and comment from the division before the adoption of rules or standards that may affect the service, programs, or providers of medical assistance services for recipients served by the division.

(8) That the division shall develop rate setting policies for medical assistance services administered by the division.

(9) Policies to facilitate communication between the office and the division.

(10) Any additional provisions that enhance communication between the office and the division or facilitate more efficient or effective delivery of services.

As added by P.L.2-1992, SEC.2. Amended by P.L.145-2006, SEC.65.

IC 12-8-6-10 Version a

Expiration of chapter

Revisor's Note: IC 12-8-6-10 provides for the expiration of this chapter on June 30, 2011. P.L.153-2011, SECTION 20 repealed IC 12-8-6-10 effective July 1, 2011. The Governor's Executive Order 11-08 provides for the continued operation of FSSA and its various offices and divisions.

Sec. 10. This chapter expires June 30, 2011.

As added by P.L.2-1992, SEC.2. Amended by P.L.153-1995, SEC.6; P.L.108-1997, SEC.4; P.L.7-2000, SEC.4; P.L.291-2001, SEC.214; P.L.83-2002, SEC.3; P.L.243-2003, SEC.6; P.L.234-2005, SEC.17; P.L.113-2008, SEC.4; P.L.182-2009(ss), SEC.296.

IC 12-8-6-11 Version a

Reduction of reimbursement rates for over-the-counter drugs; implementation of certain schedules, strategies; phase in of case management

Revisor's Note: IC 12-8-6-10 provides for the expiration of this chapter on June 30, 2011. P.L.153-2011, SECTION 20 repealed IC 12-8-6-10 effective July 1, 2011. The Governor's Executive Order 11-08 provides for the continued operation of FSSA and its various offices and divisions.

Sec. 11. (a) The office shall reduce reimbursement rates for over-the-counter drugs by ten percent (10%) not later than July 1, 2001.

(b) The office shall implement a Maximum Allowable Cost schedule for off-patent drugs not later than November 1, 2001.

(c) Not later than January 1, 2002, the office shall implement an information strategy directed to high volume prescribers.

(d) Beginning July 1, 2002, the office shall phase in case management for aged, blind, and disabled Medicaid recipients.

As added by P.L.220-2011, SEC.257.

IC 12-8-6-12 Version a

Adoption of emergency rules to achieve reductions in expenditures

Revisor's Note: IC 12-8-6-10 provides for the expiration of this chapter on June 30, 2011. P.L.153-2011, SECTION 20 repealed IC 12-8-6-10 effective July 1, 2011. The Governor's Executive Order 11-08 provides for the continued operation of FSSA and its various offices and divisions.

Sec. 12. The office shall adopt emergency rules under IC 4-22-2-37.1 to achieve the reductions needed to avoid expenditures exceeding the Medicaid appropriation made by P.L.224-2003 in the line item appropriation to the FAMILY AND SOCIAL SERVICES ADMINISTRATION, MEDICAID - CURRENT OBLIGATIONS. To the extent that reductions are made to optional Medicaid services as set forth in 42 U.S.C. 1396 et seq., the reductions may be accomplished on a pro rata basis with each optional service being reduced by a proportionate amount. However, the reductions may not be made in a manner that results in the elimination of any optional Medicaid service.

As added by P.L.220-2011, SEC.258.

IC 12-8-6 Version b

Repealed

(Repealed by P.L.153-2011, SEC.20.)

Revisor's Note: IC 12-8-6-10 provides for the expiration of this chapter on June 30, 2011. P.L.153-2011, SECTION 20 repealed IC 12-8-6-10 effective July 1, 2011. The Governor's Executive Order 11-08 provides for the continued operation of FSSA and its various offices and divisions.